

IDAHO DEPARTMENT OF PARKS AND RECREATION POLICIES AND PROCEDURES			
Number	Effective	Title	Owner
II-35	11/07	Problem-Solving/Due Process	Human Resources

Approval: _____

GENERAL INFORMATION: PROBLEM-SOLVING PROCESS

1. Purpose

The Department encourages good communication between employees and supervisors so that workplace issues may be identified, discussed and resolved informally and quickly. However, the Department also acknowledges that occasionally, issues arise in the workplace that may need more formal attention in order to be resolved.

The purpose of the Problem-Solving procedure is to provide classified employees a formal process to resolve job-related issues in a timely manner and at the management level closest to the issue as possible.

The Problem-Solving process generally allows for a classified employee to meet with his/her immediate supervisor to discuss and resolve the matter(s), file for problem solving, meet with certain Department management representatives, and receive a final decision from the Director.

2. Eligibility

Classified employees with permanent, provisional or entrance probationary status are eligible to file a Problem-Solving for any job-related matter except the following:

1. Compensation, except as it applies to alleged inequities within a particular agency or department;
2. Terminations during the entrance probationary period;
3. Items set forth in Idaho Code 67-5315(2), which include dismissals, demotions and suspensions;
4. Involuntary transfers.

Seasonal (temporary) and non-classified employees are not eligible to file a formal Problem-Solving, but are encouraged to contact their immediate supervisor to discuss and resolve any job-related issue.

3. GENERAL INFORMATION

- **Sexual Harassment and Other Illegal Discrimination**
Complaints alleging sexual harassment or other illegal discrimination based on race, gender, religion, national origin, age or disability may be filed using the Problem-Solving procedure, however employees filing for such an issue may wish to consult the procedures outlined in Section II-50 of the this policy and procedure manual, "Discrimination and Sexual Harassment".
- **Time Frames for Problem-Solving**
An employee should file for Problem-Solving in writing no later than ten (10) working days after being notified of an action, becoming aware of an issue or problem, or when discussions with the immediate

supervisor to resolve the issue have reached an impasse.

The time limit for filing for Problem-Solving does not include days the employee or the participating Department representative is away from work on approved leave.

Time limits for this process may be extended upon mutual written agreement of the employee and the participating Department representative(s).

- **Optional Mediation**

Mediation is an optional method of dispute resolution and may be requested at any time by the employee or others involved in the specific Problem-Solving. The employee and Department representative must mutually agree to use mediation. Time frames for the Problem-Solving process will be suspended during the mediation step. Employee representatives are not permitted to participate in the mediation process.

If mediation is not successful in the resolution of the issue, the employee must request to continue the Problem-Solving in writing within five (5) working days of the conclusion of the mediation or the matter is considered resolved.

To implement the optional mediation step, please contact the Human Resources Officer.

- **Prohibitions**

The Department considers the Problem-Solving process an important tool in facilitating communication and resolving issues. Therefore, no employee shall be disciplined or otherwise prejudiced in his or her employment for exercising his or her rights under the Problem-Solving process. No supervisor or department official may retaliate against an employee for filing under this Problem-Solving process, participating as a witness or an employee representative or assisting another employee in preparing a filing.

- **Representation**

A classified employee has the right to be represented by anyone he or she chooses at each step of the procedure, EXCEPT for the initial discussion with the immediate supervisor and any agreed upon mediation. Employees are responsible for notifying their representatives of the time and place for meetings. The schedule limitations of the employee's representative shall not unreasonably delay the process. The employee is responsible for any wages and expenses for a representative, if applicable.

4. **PROBLEM-SOLVING PROCEDURE**

STEP ONE: Meeting with Immediate Supervisor

Before actually filing for Problem-Solving, the employee must first make a

reasonable attempt to meet with and resolve the matter(s) with their immediate supervisor. Representatives are not permitted at the informal meeting with the immediate supervisor. Employees and supervisors are strongly encouraged to participate in this initial and informal step in the process to identify the issue(s), discuss ways of resolving it and actually settle the matter at the level of the organization closest to the employee.

STEP TWO: Filing for Problem-Solving

If the matter has not been resolved after the employee and the immediate supervisor have met to discuss it, the employee may file a Problem-Solving Request Form (available at H:\forms\Human Resources\Problem-Solving\Problem-Solving Request Form). This must be filed in writing no later than ten (10) working days after being notified of or becoming aware of any matter that may be handled through the Problem-Solving procedure. If the issue concerns an ongoing pattern of harassment or illegal discrimination, the filing will be timely if filed within ten (10) working days after the last allegedly offensive action. The employee will complete the first part of the form describing the issue(s), their suggested solution(s) and identify anyone they would like to attend any further Problem-Solving meetings, sign it and give it to their immediate supervisor. The supervisor will forward the form to the next level supervisor immediately to facilitate the next step in the process. The time limit for filing may be extended due to the employee's illness or other approved leave up to ten (10) days after returning to the job.

Problem-Solving Request Forms are available online at H:\forms\Human Resources\Problem-Solving\Problem-Solving Request form, or from the Human Resources Unit.

STEP THREE: Meeting with Second Level Supervisor

The second level supervisor will schedule a meeting no later than five (5) working days after receiving the completed Problem Solving form, excluding days they are scheduled out of the office for business or approved leave. They may consult with the employee and their immediate supervisor to determine who may best be able to resolve the problem(s) and who should attend this meeting. Since the goal of this procedure is to resolve problems at the level closest to the employee as possible, the second level supervisor may involve consult with the immediate supervisor and any others who may be helpful in resolving the issues(s). After this meeting, the second level supervisor will provide a suggested solution to the issue in writing on the Problem-Solving form within five (5) working days after the meeting, excluding days they are scheduled out of the office for business or approved leave. The second level supervisor will provide copies of the response to the employee and to the immediate supervisor and may provide copies to others who attended the meeting.

The employee will indicate on the Problem-Solving form whether they accept the second level supervisor's solution to the issue(s) or not and sign and date the form. They will then give the form to the second level supervisor. If they accept the resolution, the matter is considered closed and the second level supervisor will sign and date the form, provide a copy to the employee, the first level supervisor and the Human Resource Officer and ensure that the resolution is implemented.

STEP FOUR: Final Decision from the Director or Designee

If the employee does not accept the proposed resolution, the second level supervisor will notify the Director or designee of the situation. The second level supervisor will sign and date the form and provide a copy to the employee, the Director and the Human Resource Officer.

The Director may consult with the employee, the immediate and second level supervisors, and/or any others who may have knowledge about how best to resolve the issue(s). The Director or designee will provide the employee with a final decision in writing no later than five (5) working days from the date on page 2 of the Problem-Solving Request form, excluding days they are out of the office on business or leave, and a copy to the Human Resource Officer.

The Problem-Solving process ends with the decision of the Director or designee, unless the employee wishes to appeal eligible issues to the Idaho Personnel Commission (see I.C. 67-5316). Copies of the completed and signed Problem-Solving forms, along with any other notes or exhibits will be kept in a confidential file in Human Resources.

5. DUE PROCESS

Due Process deals with the disciplinary actions identified in Idaho Code Section 67-5315(3)--dismissals, suspensions, demotions, and involuntary transfers. Due Process generally requires the Department to provide the affected employee with notice and an opportunity to be heard and respond before making any final decision.

DUE PROCESS TRACK

All classified employees who have attained permanent status (satisfactorily passed the entrance probationary period), are entitled to due process before the Department makes any decision to implement discipline (dismissal, suspension, demotion) or involuntary transfer. Due process requires that the employee receive notice and an opportunity to be heard before a decision is made.

The Due Process Track is designed to handle disciplinary dismissals, demotions or suspensions and involuntary transfers.

STEP ONE: Notice to Employee

If the Department is considering taking a disciplinary action, including termination, or involuntarily transferring an employee, the employee will be provided prior notice. That notice will contain:

1. An explanation of the specific action(s) that are being contemplated
2. A description of the reason(s) or "basis" for taking the contemplated action(s) and the corresponding legal citation that supports the action(s). The basis of the contemplated action(s) is the for-cause reason cited in IC 67-5309(n) and in DHR Rule 190.01.
3. An explanation of the information or evidence supporting the contemplated action(s).
4. A set time for the employee to respond.

The notice of contemplated action is a written notice that will be sent or delivered to the employee and the Administrator of the Division of Human Resources concurrently. The Department will not place the notice of

contemplated action in the employee's personnel file. Instead it will be placed in a separate confidential file in Human Resources. The written final decision will be placed in the employee's personnel file.

STEP TWO: Opportunity to Respond

A permanent classified employee who receives a notice of contemplated action is entitled to an opportunity to respond in person and/or in writing. This response is the employee's opportunity to present his/her reason(s) why the contemplated action should not be taken. The employee may accept the opportunity and respond within the time period, may reject the opportunity by failing to respond within the time period, or may waive the opportunity in writing.

Time to Respond: The notice of contemplated action will identify a set time period within which an employee may respond. After the employee has responded, the Department will consider any additional information the employee may have presented and make the final decision. If the employee has failed to respond within the set time period or waived the opportunity to respond in writing, the Department will make the final decision using the information available.

Right to Representation: The employee has the right to be represented by a person of his/her choosing during the opportunity to respond.

STEP THREE: Department's Decision

The Director or designee will notify the employee of the final decision no later than ten (10) working days (excluding days the director is out of the office on business or leave) after the employee has responded, failed to respond based on the date in the notice, or otherwise waived his/her right to respond in writing. The Department's final decision will be sent or delivered to the employee and the Administrator of the Division of Human Resources concurrently. The Due Process Track ends when the Director or designee notifies the employee of the Department's decision. If a disciplinary action is imposed, the employee may have the right to appeal the Department's decision to the Idaho Personnel Commission within thirty-five (35) calendar days. An appeal does not stay the Department's action.

PROBLEM-SOLVING REQUEST

To: _____
Immediate Supervisor

From: _____
Employee(s) Requesting Problem-Solving

Date: _____



STEP 1 MEETING WITH IMMEDIATE SUPERVISOR

I have met with my supervisor and discussed the issue(s) described below. A solution was not agreed upon.

STEP 2 FILING FOR PROBLEM-SOLVING

I would like resolution of the following job-related matter(s):

(Attach additional sheet if necessary)

My suggested solution(s) are:

(Attach additional sheet if necessary)

I would like the following people to attend the problem-solving meetings:

Employee's Signature

PROBLEM-SOLVING REQUEST

STEP 3 MEETING WITH SECOND-LEVEL SUPERVISOR

The Second-Level Supervisor who met with the employee sets forth the following:

After attending the problem-solving meeting with the employee and _____

(Additional attendees), my suggested solution(s) to the issue(s) described on page one is/are:

(Attach additional sheet if necessary)

Second-Level Supervisor's Signature

Date

Employee:

____ I accept the suggested solution(s) described above.

OR

____ I do not accept the suggested solution(s) described above because _____

(Attach additional sheet if necessary)

Employee's Signature/Date

Second Level Supervisor's Signature/Date

STEP 4

FINAL DECISION FROM DEPARTMENT DIRECTOR

The Department Director or designee who met with the employee sets forth the following:

After reviewing the results of the Problem-Solving meetings, as well as additional relevant information, my final decision to the issue(s) described on page one is:

(Attach additional sheet if necessary)

Department Director or designee

Date